

FEBRUARY 28, 2005

To: PAUL HOWERD (BUREAU CHIEF)
245 McKee road
Dover, Delaware 19901

From: William A. Newsom
S.B.I. #257317
Delaware Correctional Center
1181 Paddock road
Smyrna, Delaware 19977

RE: Appeal of medical grievance's

Dear Mr. Howard:

I'm writting in regards to medical grievance's I have been filing since October 22, 2003. There are three total. The first medical grievance dated October 22, 2003 was responded to by treatment administrator Brenda Holwerda, whom could not informally resolve it so she put me in for a level II hearing on November 3, 2003. This grievance was never responded to any further and I was taken out of D.C.C. on a detainer on December 4, 2003..

The second medical grievance I filed was on May 31, 2004 upon my return from my detainer. This grievance was denied on September 14, 2004 stating, " inmate went out on a detainer for 8 months. Has never filed, a sick call slip since return." This however is not true, Since my return from the detainer I was seen several times and submitted several sick call slips for this medical problem. I was seen by nurses in the MHU unit and was given Motrin until I could be seen by a doctor, however I was never seen by a doctor.

I submitted a third medical grievance on July 19, 2004 which was denied because a action was not requested. I agree with the third grievance being denied however, I disagree with the second grievance being denied. I disagree for two reasons; the first being that I

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continued submitting sick call slips upon my return from my detainer. The second reason is because my due process rights had been violated. According to grievance procedure 4.4 of D.O.C. policy, if my medical grievance could not be resolved informally I was entitled to a level II hearing at which time "the inmate must be present with the IGC". This did not happen though. I was denied my right to be at the hearing.

I filed a appeal immediately after being denied my right to be present at the level II hearing. That was on September 14, 2004.

I now submit to you this letter as a final appeal and exhaustion of my administrative remedy. I have contacted everybody from the medical department to the Governor's office to seek relief from being denied proper medical treatment and my due process right to a formal grievance hearing.

Your time and assistance with this matter would be greatly appreciated.

Respectfully submitted,

William A. Newsom

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EXHIBIT 5th